

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Knopov, et al.

Application No.: 10/019,200

Filed: 12/20/2001

Title: Methods and Apparatus for Preparation
of Lipid Vesicles

Attorney Docket No.: INEX.P-008

Customer No.: 021121

Group Art Unit: 1711

Examiner: Saira Raza

Confirmation No:

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RESPONSE TO RESTRICTION REQUIREMENT

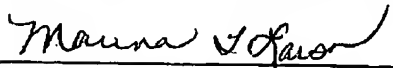
Dear Sir:

This is in response to the Restriction Requirement mailed September 1, 2005 for the above-captioned application.

Applicants hereby elect Group II, claims 31-43. This election is made **with traverse**.

The Examiner has restricted the claims into two groups, and alleges that this is appropriate because "'the special technical feature' as in claim 25 does not make a 'contribution' over the art, hence lacks an inventive step as cited in the International Search Report." Applicants find this statement puzzling for several reasons. First, the Examiner has not

I hereby certify that this paper and any attachments named herein are transmitted to the United States Patent and Trademark Office, Fax number: 571-273-8300 on September 22, 2005.


Marina T. Larson, PTO Reg. No. 32,038

September 22, 2005
Date of Signature

Appln No.: 10/019,200
Amendment Dated: September 22, 2005
Reply to Office Action of September 1, 2005

identified the "special technical feature" to which she is referring. Second, neither the International Search Report nor the International Preliminary Examination Report made a unity of invention argument. Third, the only references cited in the International Search Report were cited as category A references, i.e. background of the art. Fourth, the additional reference mentioned by the Examiner, US 5,779,361 merely relates to a static mixer.

PCT standards for determination of unity of invention are to be applied in this case because it is a national stage application file under 35 USC § 371. As noted in MPEP § 1893.03(d), restriction based on lack of unity is inappropriate where the claims share a common technical feature. In general, unity of invention is present between an apparatus and a process, where the "apparatus ... is specifically designed for carrying out the process with the technical relationship being present between the claimed apparatus ... and the claimed process. *Id.* That is the case here.

The elected method claims require the use of a static mixer (step (c) line 1) and an injection port having a diameter of 2 mm or less (step (b), line 2). The apparatus requires a static mixer (claim 25, element (b); claim 44, element (d)) and a dispensing head with injection ports having a diameter of 2 mm or less (claim 25, element (d) and last line; claim 44, element (c)). The other aspects of the apparatus claims are reservoirs, tanks, and connectors which contain the reagents prior to their combination. This being the case, Applicants submit that the apparatus of claims 25 and 44 are apparatus specifically adapted for practicing the method of claim 31, and that unity of invention therefore exists.

For these reasons, Applicants submit that all of the claims of this application are properly considered together, and that the restriction requirement should be withdrawn. Reconsideration is requested.

Respectfully submitted,



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